

TRYAL OF CHARLES BATEMAN 1685

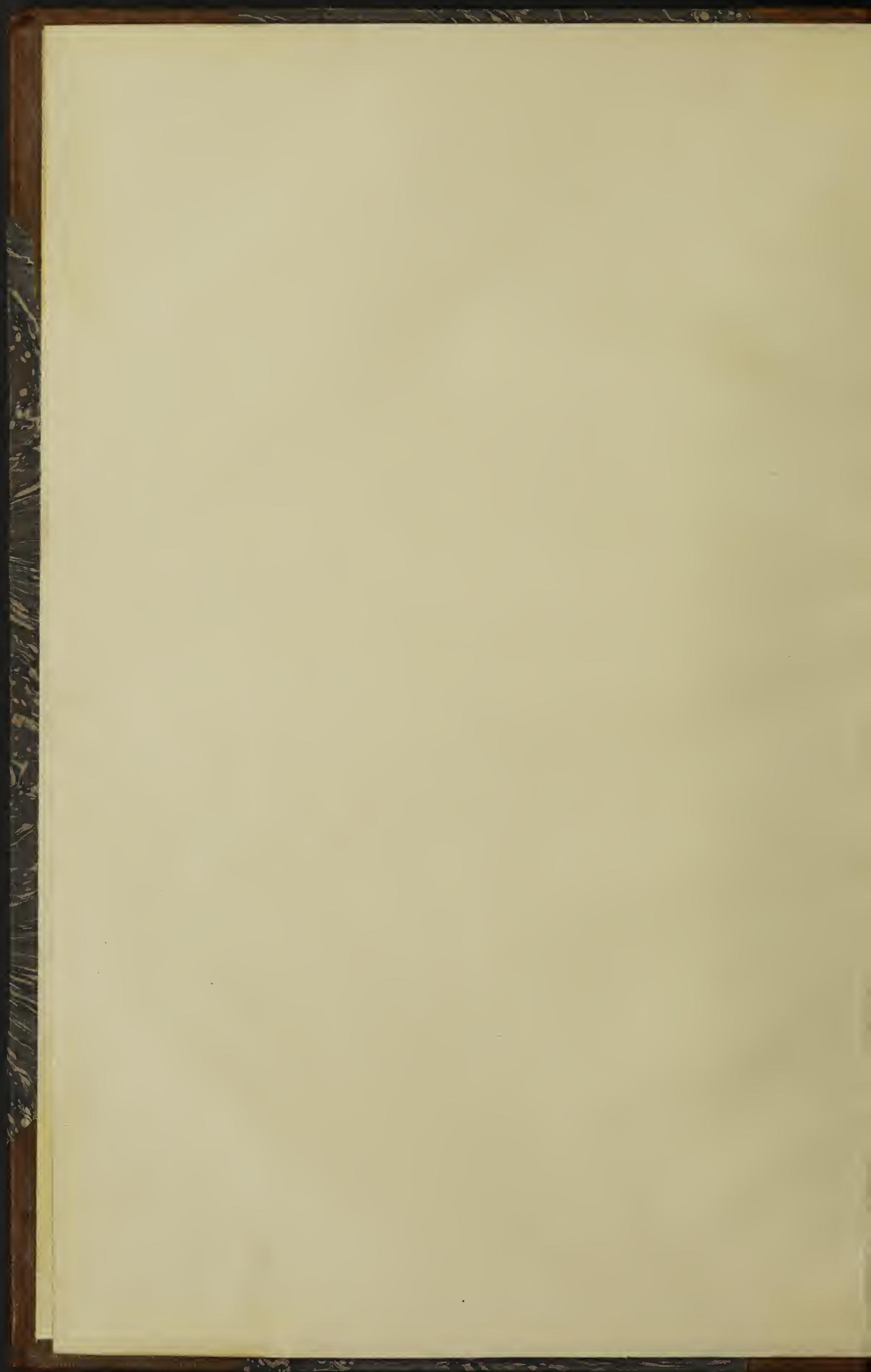






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AN  
ACCOUNT  
OF THE  
TRYAL  
OF  
Charles Bateman, Chirurgeon,  
FOR  
High-Treason,  
IN CONSPIRING  
The Death of the late King

And the Subversion of the Government, &c.  
Who was Tryed and found Guilty, at Justice-Hall in the  
Old-Bayly, on the 9th. of December, 1685.

THE  
TRYALS  
OF  
John Holland and William Davis,

For Conspiring against, violently Assaulting, and without any warrantable Cause, Imprisoning William Chancey, Citizen and Mercer of London; to extort a Sum of Money from him; who were Tryed and found Guilty at Justice-Hall in the Old-Bayly, on the 10th. of December, 1685.

As also the Tryals of John Holland, William Davis, and Agnes Wearing, for a Notorious Burglary and Felony, Committed in the House of Leonel Gafford, a Minister in Lime-street, London, and stealing Plate, Money and Rings, to the value of 300 l. who were Tryed and found Guilty, at Justice-Hall in the Old-Bayly, on the 11th of December. 1685.

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THE  
**TRYAL**  
 OF  
*Charles Bateman Chirurgeon,*  
 FOR  
**High-Treason:**

And *John Holland, William Davis, and Agnes Wearing*, for a Notorious Felony and Burglary.

**T**HÈ Sessions of Peace, Oyer and Terminer, and Goal Delivery of Newgate, for the City of London and County of Middlesex; beginning at Justice Hall in the Old Bayly, on the 9th. of December, 1685. Charles Bateman, against whom, an Indictment of High-Treason had been found, for Conspiring the Death of the late King, &c. was brought in the Custody of the Keeper of Newgate in order to his Arraignment; and being ordered to hold up his hand, he desired that he might first say something for himself; in order to put off his Tryal, but was told by Mr. Recorder, he must plead before he could be heard; whereupon desiring to know whether he might have the same advantage after his pleading as before, as to gain longer time for his Tryal, and being answered he might, he held up his hand, and then the Indictment was read:

Mr. Bateman pleaded not Guilty, and desired his Tryal might be put off, saying, *He was not prepared to make his Defence, and therefore prayed a longer time, saying, He had been close Prisoner for the space of ten Weeks, and was over and above very much indisposed;* and further alledged, *he had had no Notice nor any Pannel of the Jury;* as for notice of Tryal, he was answered, that it was not usual to give any in that Court, but that he ought to have expected it, and prepared for it accordingly, and as for the Pannel it was not denied him; then he prayed a Copy of the Indictment, but was told it could not be allowed; and upon his further alledging his unpreparedness and no notice of Tryal, and the like, the King's Council urged that he had opportunity enough to take notice of his Tryal, for that it was upon an Indictment of the precedent Sessions: Then he asked what time he might have between his Arraignment and Tryal, and was answered, as much as would stand with the conveniency of the Court; and after several hours

Respite, he a second time was brought to the Bar, and then upon his humble request, Pen, Ink, and Paper was allowed him and his Son to assist him ; and then were sworn to try the Issue,

Richard Aley Esq;	Edward Rhedish
Richard Williams	George Lilburn.
John Cannum	Daniel Foul
Patrick Barret	Peter Floyer
John Palmer	Lawrence Cole
James Raynor.	John Cooper.

And he making no exceptions to them, then the Indictment was read.

#### The Jurors, &c.

**T**HAT Charles Bateman, late of the Parish of St. Dunstans in the West, in the Ward of Farringdon without, Lond. Chirurgeon, as a false Traytor, against the most Illustrious and Excellent Prince, Charles the Second; late King of England, Scotland, France and Ireland, Defender of the Faith, and his Natural Lord; not having the fear of God in his Heart, nor weighing the Duty of his Allegience; but being moved and seduced by the instigation of the Devil, the Cordial Love, and true Due and Natural Obedience, which a true and Faithful Subject of our late Lord the King, towards him should, and of Right, ought to bear, altogether withdrawing and Practising, and with all his strength, intending the Peace and common Tranquillity of this Kingdom, to disquiet, and disturb, and War and Rebellion against our late Lord the King, within this Kingdom to stir up, move, and procure, and the Government of our late Lord the King, of this Kingdom to subvert, and our said late Lord the King, from the Stile, Title, Honour, and Kingly Name, of the Imperial Crown of this Kingdom, to depose and deprive, and our said late Lord the King, to Death and final Destruction to bring and put, the 30th. Day of May, in the 35th Year of his Reign, and divers other days and times, as well before as afterwards, at the Parish and Ward aforesaid, Falsely, Maliciously, Devilishly, and Traytorously, with divers other Rebels and Traytors to the Jurors unknown, did Conspire, Compass, imagine, and intend our said late Lord the King, then his Supream and Natural Lord; not only of his Kingly State, Title, Power, and Government of his Kingdom of England, to deprive and depose, but also our said late Lord the King, to kill, and to Death, to bring and put, and the Antient Government of this Kingdom, to change, alter, and subvert; and a miserable Slaughter amongst the Subjects of our said late Lord the King, to cause and procure, and Insurrection and Rebellion, against our said late Lord the King, to procure, and assist, and the same most Wicked, Treasons and Traytorous Conspiracies, Compassings, Imaginations and Purposes aforesaid to effect, and bring to pass. He the said Charles Bateman, as a false Traytor, then and there, ( to wit ) the said 30th. Day of May, in the 35th Year aforesaid, and divers other days and times, as well before as afterwards; at the Parish and Ward aforesaid, Falsely, Unlawfully, most Wickedly, and Traytorously, Did promise and undertake to the said other false Rebels and Traytors then and there being present : That He the said Charles

Charles Bateman, would be assisting and aiding, in the taking and Apprehending the Person of our said late Lord the King, and intaking and seizing the City of London, and the Tower of London, the Savoy, and the Royal Pallace of White-Hall, against the Duty of his Allegience, against the Peace, &c. and against the form of the Statute, in this Case made and provided, &c.

Mr. Phips, Council for the King opened the Nature of it, and was seconded by Mr. Serjeant Selby and Mr. Charles Moloy, after which, Mr. Josias Keeling was sworn, whose Evidence was, that he had been at divers meetings and Consults, where the methods had been proposed for the purposes aforesaid; and more particular one time with Rumbold the Maltster, since Executed for High-Treason, and that then, three Papers were produced by Rumbold and opened, containing the Moddel of the Design, to divide the City into Twenty Parts, and to raise Five Hundred men in each Part, to be under one Chief, and Nine or Ten Subordinates whom he should appoint, the Names of the Lanes and Streets of each Division being likewise inserted therein; and at that time Rumbold proposed the Busines of the Rye-House, saying, *He had a House very convenient to plant men in, to seize the King in his return from Newmarket*, but that he somewhat boggled about the Killing the Postillion, which had been proposed the better to stop the Coach, because it looked too much like an Exploit in cold Blood; He further depos'd, that he had been at divers other places where it had been discoursed to the same effect, and that Mr. Bateman was looked upon as a Person fiting to manage one Division in order to an Insurrection, to seize the Tower, City, &c. This being the Sum of Mr. Keeling's Evidence; Mr. Bateman said, that what he had sworn, did not affect or charge any Treason upon him; and was answered by the Court that it did not, and bid the Jury take notice, that what Mr. Keeling had sworn, was only to the Conspiracie in General, and did not affect the Prisoner in particular.

Then Thomas Lee was sworn, and gave Evidence, that he being made acquainted with the Design by Mr. Goodenough, &c: and how the City was to be divided into Twenty Parts and managed; and being asked who was a fit man to manage one Part, he nominated Mr. Bateman, and thereupon was desired to go to him, and speak with him about it as from Mr. Goodenough; and when he came to discourse him about that affair, he apprehended very plainly, that he was no stranger to it nor boggled to give his assent, and seemed much desirous to speak with Mr. Goodenough about it. That he likewise went one day to the late Duke of Monmouth's House with Mr. Bateman; and Mr. Bateman, after he had had some Discourse with one of the Duke's Servants, came to him and told him, the Duke was willing to ingage in the Busines, and assur'd him, that he had divers Horses kept in the Country, to be in a readiness when matters should come to Extremity; and from thence he went with him to the King's Head-Tavern, and there had discourse to the same effect; and from thence, they came to the Devil-Tavern within Temple-Bar, where Mr. Bateman proposed the seizing the City, Tower, Savoy, White-Hall, and the Person of the late King; and promised not to be wanting therein. At another time, he met him at the Half-Moon Tavern in Aldersgate-street, where discoursing about the Condition the

Conspirators were in. As to the intended Insurrection, he said, *If he could but see a Cloud as big as a man's hand, he would not be wanting to Employ his Interest*, and that there were other Discourses tending to the Insurrection, but were broke off by the coming in of one *John Allmeger*, before whom, Mr. Bateman would not discourse, because he knew not of his coming.

Mr. Lee being asked the Design of that meeting, replied it was upon the Account of carrying on the Conspiracie, and that Mr. Bateman had told him, that he intended to take a house near the Tower, to place men in, in order to surprize it, and that he had held divers Conferences with some Sea Captains on that affair ; and that he had been with them at Coffee-Houses, &c. at sundry other times, but there to prevent Discovery, they spoke of the Design at a great distance.

To this Evidence, Mr. Bateman objected that if he had been conscous of what was laid to his Charge he was fit for Bedlam, saying, *He wonder'd if he had heard him speak such words, he had not accused him sooner*; but was answered, that Mr. Goodenough was not to be had till after the Rebellion in the West; and that Lee's single Testimony in Case of High-Treason in so high a Nature, was not sufficient.

Then Mr. Richard Goodenough was called, who being sworn, deposed that being in compaay with Mr. Bateman ( to the best of his remembrance ) at the Kings-Head Tavern in St. Swithings-Alley near the Royal-Exchange, and having some Discourse about the intended Insurrection, and of Wade and others that had engaged to promote it. Mr. Bateman not only approved of the Design, but promised to use his Interest in raising men ; and not only to be assisting in the Division allotted him, but in surprising the City, Savoy, &c. and in drivirg the Guards out of Town. To this he objected, that he was not at the Kings-Head with Goodenough, to which Mr. Goodenough replied, *He had not sworn positive to the place; though he verily believed that was the place; but however, as to the Discourse and Words then spoken by Mr. Bateman he was positive*.

The Evidence being thus full against Mr. Bateman, and he liberty granted him to make what defence he could, he desired that Sir Robert Adams might be heard, in relation to a false report the said Mr. Lee had raised of Sir Robert and others, and Sir Robert being in Court, gave Evidence that there had been a report abroad said to be raised by Mr. Lee, that he ( viz. ) Mr. Lee had beaten three Knights, and that Mr. Lee had came to him and asked his Pardon, acknowledging the thing in it self was altogether false.

To the same purpose Sir Simon Lewis was called, but appeared not. Ames Child being called by Mr. Bateman, to testifie his knowledge of Mr. Lee ; and being asked what he could say against him, Declared, *That he knew nothing to the contrary, but Mr. Lee was an honest man*.

One Baker being called by Mr. Bateman, to testifie that Mr. Lee would have subbornd him against him to his prejudice, some Years since, of which he had made an Affidavit before Sir William Turner, and the said Baker not then appearing in Court, he desired Sir William Turner to give some account of Baker's Examination, which he said Sir William had taken, but it being above two Years since, Sir William declared, *He could not charge his memory with any of the Particulars contained therein*.

Mr.

Mr. Tompkins Sir William Turner's Clerk being called, and asked what he could say concerning any Examination of Baker's taken before Sir William, that related to Lee; he said, there was an Examination taken Anno 1683. wherein Mr. Lee was mentioned; but to the best of his Remembrance it was returned before the King and Council; and he could not give any account of the Particulars.

Then Mr. Bateman desired to know upon what Statute he was Indicted, and was informed by the Court, That the Treason wherewith he stood charged, was Comprehended within the 25th. of Edward the 3d. and the 13th of Car. 2. by Overt-Act; and having little more to say in his own Defence. After a favourable hearing of all he had materially to offer, and his Son having been allowed by the Court to assist him, in looking over his Notes, and calling his Witnesses, by reason he through sickness pretended himself incapable. Then the Lord Chief Justice of the King's-Bench Sum'd up the Evidence at large, and omitted nothing that might be for the advantage of the Prisoner, whereby the matter was fairly, fully, and clearly left to the Jury; and thereupon Mr. Bateman was taken from the Bar, after which, the other Prisoners being called and Tryed, and the Jury ready to go forth to consider of their Verdict, Mr. Bateman's Daughter came in and besought the Court, that Baker, whom she said she had found out, might be heard against Mr. Lee, but Mr. Lee being gone, and the Tryal already over, the King's Council opposed it, unless Mr. Lee could be found (which he Could not be at that time) and the Court having deliver'd their Opinion that it was not convenient to examine any Witness after the Jury had received their Charge, it being a very ill president and of dangerous Consequence; yet some of the Jury desiring it, the Court to prevent any Objections that might be made, consented, and Baker had leave to speak, whose Evidence was, that being in Company with Mr. Lee, some time in the Year 1683. and discoursing about divers matters, he bad him go to the sign of the Peacock, and to the Angel and Crown, to a Chirurgeon, and a Linnen-Draper whom he named, the former of which he remembred to be the Prisoner, and to insinuate himself into their Company and discourse them; and when he demanded of Mr. Lee to what end he should do it, or about what he should discourse them, he told him it might be about State Affairs, and by that means he would find a way to make him a great man; and when he excused his attempting to intrude into such Company as was above him, he being but a Shooe-maker, Mr. Lee told him he knew that, he kept Company with such, and such men, and why could he not as well do it with those he had mentioned, and of this he said his Examination was taken before Sir William Turner; but this being nothing to the purpose, but was rather looked upon as a Design, Mr. Lee had to make a discovery of the Conspiracie, if he could have procured further Evidence to have Corroborated his own, and Baker being looked upon as a broken Fellow and that he lodged near the Sessions House, and yet came not in before though often called, the consideration of the whole matter was left to the Jury, and an Officer being fvvorn to attend them went out, and after about half an hours debating that, and what else was before them, gave in their Verdict, that Charles Bateman then at the Bar, was Guilty of the High-Treason as laid in the Indictment, which Verdict was accordingly Recorded, and the Prisoner re-conveyed to Newgate; and being again brought to

Justice,

Justice-Hall, on Friday the 11th. of December, in order to receive Sentence; and upon holding up his hand, being asked What he could say for himself, why the Court should not give Judgment against him according to the Law: He desired to know whether Mr. Goodenough was fully pardoned, and was told, that as for the Out-Lawrey he was pardoned, and that his Pardon had been allowed and approved of in that Court, and in the Court of King's-Bench, and for any thing else he was not Prosecuted: Then he said his Opinion was altogether for Monarchy, and that he hoped he should have an Advocate with the King but; had nothing more material to offer.

Then Mr. Recorder, after having spoke several things in aggravation of that great Crime, whereof, after a fair and favourable Tryal, he was Convicted; advised him not to flatter himself with hopes of Life, and thereby delay his Repentance necessary for his future happiness, pronounced the Sentence, which was, That he should return to the place from whence he came, from thence be drawn to the place of Execution, there to be hang'd by the Neck, and whilst alive be Cut down, and his Bowels to be taken out and burnt; his Head to be severed from his Body, and his Body divided into four Parts, and that his Head and Quarters be disposed of, at the Pleasure of the King.

Upon this, he prayed a Divine might have leave to come to him, as likewise his Relations, which being allowed he departed the Court, and was on Friday the 18th. of December, Executed at Tyburn according to Sentence.

F I N I S.

The

The Substance of the Tryal of John Holland, and William Davis, who were Tryed and committed, for Conspiring against, and falsely imprisoning William Chancey, Citizen and Mercer of London, at Justice-Hall in the Old Bayly.

On the 10th of December, 1685.

**U**pon an Indictment found against Edward Hays, William Price, John Holland, and William Davis, for Conspiring against, violently Assaulting, and forcibly Imprisoning, for the space of six hours the Person of William Chancey, Citizen and Mercer of London, against his will, and without any warrentable Cause, whom they falsely Charged with uttering divers Treasonable Words, to extort from him a Sum of money, &c.

John Holland and William Davis, were brought in the Custody of the Keeper of Newgate, to Justice-Hall in the Old-Bayly, where upon their Arraignment they pleaded not Guilty, and desired their Tryal might be delayed, seeing they were not prepared to make their Defences, and were thereupon taken from the Bar, but on the 11th. of December, 1685. the Lord Mayor, Mr. Recorder, Sir Henry Tulse, and other Aldermen, being present they were brought up a second time, and ordered to look to their Challenges, but making no Exceptions the Jury was Sworn, viz.

John Meridale	Edward Hemstead
Benjamin Boltby	Robert Longland
John Baly	Samuel Bishop
Thomas Barns	James Fern
Richard Bromfield	William Wheatly
Samuel Linn	Thomas Phelps

The Indictment being read a second time, the Council for the King opened the Nature of the Fact, of which the Prisoners stood accused in all it's unparralled Circumstances, and then to proceed to Swear Mr. Chancer, who gave Evidence, that on Saturday the 28th. day of November last, he was informed that a Boy had been sent from the King's-Arms Tavern in Lawrence-Lane London, about Four of the Clock in the Afternoon, to let him know that there were two Gentlemen that desired to speak with him, whereupon he went, and being shewed where they were, found them to be Hays and Holland, the former of which he had some small Acquaintance with, he having been once a Citizen, but as

for the latter at that time he knew him not. *Hays* after a Complement had passed, desired to speak with him in private, but *Holland* whom *Hays* called Captain *Holland*, was somewhat against it, saying, they might speak what they had to say in his presence, but in the end he retir'd, when *Hays* in a melancholy Tone, cryed out, O ! Mr. Chancey I am the unfortunatest man alive, for being the other day in the Company of the Captain, I chanced to let fall some words said to be spoken by a Merchant in London, which proved to be Treason, and with which I am charged, and am now a Prisoner to the Captain, and therefore am obliged to produce you as my Author ; upon this Mr. Chancey being a little surprized, as not knoing to what it might tend ; and not being conscious of any thing of that Nature, replied, He had never spoken any treasonable Words, and that he knew not what he meant, whereupon as probable it had been agreed, *Holland* came in and demanded of *Hays*, if that was the person, meaning Mr. Chancy, that had spoke the words, to whom *Hays* replied he was : At which *Holland* told him He was his Prisoner, and must go with him to White-Hall, before the Secretary of State ; then Mr. Chancy demanding to see his Warrent, he told him He was a Captain of the Guard, and that a Captain of the King's Guard had power without a Warrant to seize any person for High-Treason, with which he was charged ; then Mr. Chancy desired to send for some friends, but *Holland* would not hearken to that, telling him he must instantly go with him out of the damn'd Factious City, as he term'd it, but withal that he would call at the Crown Tavern without Temple-Bar; whereupon they stopping in Cheapside, Mr. Chancy found an opportunity to send a person to his Brother, to let him understand what had happened, and that he was going to White-Hall, but should stay at the Crown Tavern, and thither he desired he would come to him, and all the way as they were going, *Holland* railed and cursed *Hays*, that he being one of his Majesties Servants, should be such a Villain as to conceal Treason, but *Holland* understanding that Mr. Chancy had sent for his Brother, and fearing the business might be discovered, would not suffer him to stay at the Crown Tavern nor send word where they were gone, but caused the Coach to drive to the Fountain Tavern in the Strand being nigh the Savoy, where he said he could have several Files of Musquettiers to secure him if need required, and there it was that after some threats of Soldiers, Messengers, and Imprisonment, and Execrable Oaths that he would run him through if he offered to make an escape: *Hays* began to tamper with him, letting him know that the business yet might be hush'd up by stopping the Captain's mouth with a Sum of Money, since none but he could detect it ; but finding him absolutely averse to it, and whilst they were thus discoursing, word was brought up to *Holland* that there were two of his Kinsmen that would speak with him, and accordingly they were brought in and we were ordered to take no notice of the business in hand ; they discoursed of the Rebellion in the West, he took them to be Welsh, for the same time (as he guessed) they talked that Language ; they being gone, and he not willing to give any money, to White-Hall we must go ; but Mr. Chancy observed that *Holland* paid two Reckonings for a Company in the House then present, beside their own ; when we came to White-Hall-Gate, *Hays* cryed, and stamped, and desired for God's sake we might not go in, for if we should, he and his family were certainly ruin'd, for he had

( 9 ).

had two places at Court worth Eight hundred pounds, and he should loose them both, besides being Pis'd upon by every body if this matter should come publick, therefore desired we might go to the *Swan* Tavern in *Westminster*, which accordingly we did, there thiev both argued that it would be for both our Interest to comply with the Captain in his proposal beforementioned, that is, to give *Holland* Two hundred pounds, for that it was in His Breast alone at present, but if we should be carryed before a *Secretary*, or put to the hands of a *Messenger*, it would be then out of his power ; but Mr. *Chancey* still persisted that he would not give any thing, whereupon to *White-Hall* we must go ( says *Holland*) in order to be Examined, and then the said *Hays* declared that I was the person, which the Merchant should say spoke those Words ; however he was never brought before any body, albeit he was carryed to several places in *White-Hall* for that : *Holland* pretended the *Secretary* was busie ; but after some stay, he said he would deliver us into the hands of a *Messenger* which he was informed was at the *Fountain* Tavern in the *Strand*, whom ( as he pretended ) he had sent for when we were there before, and accordingly thither he carryed us ; but there being no *Messenger*, he then sayed he would send for one, and accordingly Mr. *Chancey* thought that *Holland* had sent for one, but *Hays* and he still continued their perswasions to give two hundred pounds, but finding him unwilling to give any thing, Captain *Holland* draws up a pretended Information of High-Treason against him only, which being done, word was brought that two of the Gentlemen that were in Company with them the last Night were in the house ; *Holland* desired them to come in, *Hays* in the meantime called Mr. *Chancey* aside, and strongly perswaded him to comply with the Captains demands, saying, that if he had not money enough, he would prevail with the Captain to take his Bond, and that he himself would be bound with him, and then he would be no more than One hundred pounds out ; however the two persons being come in, and as was afterwards inform'd, one was Mr. *William Davis*, and the other Mr. *William Price*, whereupon Mr *Holland* reads the Information to them, which he had just before written, and told him that *Price* was a *Barrister* ; then *Price* did affirm that the words were High-Treason, and perswaded him to comply, saying, it was the best hundred pounds that ever he parted with in his life, adding if he were innocent, that the delays, the negle&t of his businels, and the charges would amount to a greater sum ; likewise *Davis* that came in with him, perswaded him to it also, and *Holland* swore he would send him to Prison without carrying him before a Justice of Peace ; and added, that one *Delawne* had been in *Newgate* for several Years and never knew for what, and that he was like to lye there as long as he lived, and that *Cornish* was hanged for only hearing a Treasonable *DECLARATION* read, and that his Guilt was greater, having spoken wrods at length, finding by their Discourse they would stick at no Oath for interest or revenge, and knowing it was *Sunday Morning*, and not knowing what manner of men he had to deal with, nor what thiev might swear falsely against him, tired by hurrying him up and down as aforesaid, and somewhat affrighted with their menaces at the reiterated importunity of *Hays*, who pretended himself to be in the greatest Consternation imaginable, for fear the businels should come to light, and in hopes to be rid of

of his dangerous Company, that he might at leisure consider better what he had to do; he consented to enter in to a Bond with *Hays* in the Penalty of 400*l.* for the payment of 200, and the Bonds to be made to *Holland*; but this would not be accepted till he farther consented to sign a Warrant of Attorney, to confess Judgment upon the Pond. This being concluded upon, *Holland* sent his Foot-boy to call up Mr.---- a Neighbouring Scrivener to make the Writings, it being then between Two and Three of the Clock on Sunday Morning, *Who was very unwilling to rise at so unseasonable an hour*; but being told there were divers Gentlemen at the Fountain that must needs speak with him, to draw some Writings upon an urgent occasion, he at last went, and there found *Holland*, *Hays Davis*, *Price*, and Mr. *Chancey*, and that the Instructions were ready drawn up, which he took into his own Note-book, and so went home to draw up the Writings, where he had not been long e'r *Price* came to him, and told him that he must Date the Bond any day in *Trinity Term* last, the business so requiring, whereupon he Dated it the 21<sup>th</sup>. of June, so that it became payable the next day after it was signed. This the Scrivener ignorant of the Consideration thinking pretty hard, and that a Judgment was to be confessed upon it without a Defeazance, made some scruple to do it; but *Price* assuring him it was so agreed for sundry Reasons best known to themselves, he brought the Writings, and spared not to say as much in the Company, but Mr. *Chancey* not contradicting it the Bonds were signed, but the Warrents of Attorney being purposed, he scrupled to sign it, and whispering *Holland* in the Ear, said, *What need this, will not my Bond suffice?* but he and his Accomplices crying out, *Are not we agreed? Is it not so agreed? &c.* and *Hays* without bogling signing on his part, Mr. *Chancey* with some Reluctancy did the like, and then the Scrivener proposing it was convenient to have Releases to Bar any former Consideration for which the Bond might be given, they willingly assented to it, and it was signed by *Holland* bearing Date before the Bond, whereupon the Scrivener was discharged, and Mr. *Chancey* had leave to go about his business, and then Mr. *Chancey* further depos'd that on *Monday the 30<sup>th</sup>.* of November, *Holland* sent his Foot-boy with a Note directed to Mr. *Chancey*, at his house in St. Lawrence Lane, informing him that he had a present occasion for 20*l.* and that he must needs furnish him with that Sum, as likewise with Silk to make him a Cap, a Night-Gown and a pair of Slippers, promising to use him very kindly in the payment of the rest, and to take out part of it in Wares, which was confirmed by the Foot-boy being sworn, but Mr. *Chancey* by this time being better advised, and finding it was a Cheat, and understanding by the Boy where his Master was, under pretence of furnishing him with the money and goods he had sent for, found means to secure him; who being carried before a Judge, was upon the Oath of Mr. *Chancey* Committed to Newgate, and *Price* being soon after taken, was Committed to the King's-Bench and afterwards together with *Hays* was bailed to appear at the King's-Bench, as it was suggested to the Court. To this *Holland* pleaded he only took the Bonds to oblige the Partys to appear before the Secretary of State, and that he did it to save himself harmless, there being no Consideration why Mr. *Chancey* should be otherwise obliged to him, and that he had made

made his report of the matter to a person of Quality, who told him he had over done his business.

*Davis* pleaded that he was ignorant of the matter as to the contriving of it, and only came in by chance as he was going to his Lodging that was near the *Fountain Tavern*, and was desired to stay as a Witness to the Writings; whereupon *Holland's* Foot-boy being sworn, gave Evidence, that he had seen *Davis* pass through the *King's-Arms Tavern* in St. *Lawrence-Lane*, when his Master and *Mr. Hays* were above with *Mr. Chancery*, and farther that he had after that been to look for him to come to his Master. This Objection being answered, he proceeded to intimate that *Mr. Chancery* was a disaffected person, and that *Hays* had affirmed he heard him speak these words, *viz. That the Rebellion in Scotland was no Rebellion, but a mere trick to get money, or to that effect*; whereupon *Mr. Chancery* called several worthy persons to testify his Behaviour, and first *Sir Edward Waldon* with whom he had served his time, who declared that he had all along behaved himself civilly and modestly, and that he ever looked upon him to be a very Loyal Person, and well affected to the Government; adding, that he had been so faithful a Servant, that he could not enough commend him.

*Sir Robert Adams* being desired to testify his knowledge on this occasion, declared, that he had known him many years, and that he always took him to be a very honest Loyal man.

*Mr. Brough*, the fore-man of the Grand Jury for *London*, testified the same as did some others of known *Loyalty* and *Integrity*; so that the Jury receiving the Charge by *Mr. Recorder*, in which all was most exactly summed up that had been sworn against the Prisoners, &c. and the Defence they had made for themselves, they withdrew, and within the space of half an hour gave in their Verdict, that *John Holland* and *William Davis* were Guilty of the Conspiracie, Assault, and false Imprisonment, as laid in the Indictment.

D.

THE

THE

## TRYALS

OF

*John Holland, William Davis and Agnes Wearing, for a Felony and Burglary Committed in the House of Mr. Leonel Gatford, Minister in Lyme-street, on the 11th. of September, 1685.*

**J**ohn Holland and William Davis, were a second time Indicted for a Felony and Burglary, Committed in the House of Mr. Leonel Gatford of Lyme-street London, in the Parish of St. Dionis Back-Church, on the 11th. of September last, together with Agnes Wearing, as accessary, before and after the Felony and Burglary committed; The Goods layed in the Indictment were Sixteen silver Spoons, Nine silver Porrengers, Four silver Salts, Three silver Pots, Two silver Plates, Five silver Candlesticks, a silver Skimer, Four silver Boxes, One silver Tankard, One silver Ladle, Six Diamond Rings, Twenty plain Rings, and other Plate of value; Thirty Guineas, Forty pounds in Silver, &c. In all upward in value of Three hundred Pounds: To which Indictment, the Prisoners having severally Pleaded not Guilty, put themselves upon the Jury for their Tryals.

The Jurors were

John Wakley,	Gilbert East,
George Reeve,	Martin Simpson,
Joshua Sabin,	-----Masters,
Richard Jagman,	Robert Stevens,
Richard Austin,	Richard Newstrop.
Job Harris,	Thomas Oliver,

The Jury Sworn and the Indictment a second time read, Mr. Gatford, gave Evidence, that about six of the Cloek in the Afternoon, going to Prayers and leaving his Wife and his Maid in his house ( which Maid was Agnes Wearing ) and returning about Eight of the Clock the same Evening, found his house rifled and his Wife much abused; the things mentioned in the Indictment, &c. Being at that time stolen.

Mrs. Gatford gave Evidence, that On Friday the 11th. of September, about Five or Six a Clock at Night, in the absence of her Husband, some body knocking at the Door, she sent Agnes Wearing ( the Prisoner at the Bar, being her Maid ) down to see who it was, and she returning, told her it was a Gentleman would speak with her, she then desired he would send

fend up his Name and Busyness, but the Maid replyed he had a Letter for her, which he said he must deliver to her hand, however she told her she would not see him till she knew his Name, but whilst they were discoursing concerning it, a Person came up Stairs with both ends of his Wig in his mouth, and made as if he would present her with a Letter, but she seeming shye, and telling him he was a stranger to her ; he let go the ends of his Wig, and swearing a great Oath that he was a great stranger to her, and clapped his hands upon her Throat and Neck, saying he wanted money ; Commanded her on pain of Death not to make any Noise; and whilst this happened, he heard her maid cry out softly, Thieves, Thieves ; and then taking up her upper Coat, he drew it over her Head, and so tyed it vwith her hands in it, calling as loud as he durst, Jack, Jack, why don't you come up Jack? but he making as if he stay'd belovv to secure the maid, he cryed Damn her for a Bitch, Shoot her, Cut her Throat, what is her Life worth? Which Mrs. Gatford takin g to be in earnest, besought them For Gods sake not to kill her maid ; hovvever Jack soon came up Stairs, vwhereupon he that first seized Mrs. Gatford, Commanded her to tell vwhere the money vvas, vwho replyed, She had none but what was in her Purse : Then he asked vvhile her Purse vvas, she said in her Pocket, then pull it out said he, but her Hands being vwithin her Coats, she told him she could not, vwhereupon he said he vwould take it out, vwhich he doing, and then laying her on her Face vwith dreadful threats, that if she stirr'd—— They vvent directly to the place vwhere the money vvas, altho' in a very private place; as also to the Glass Case of Plate: The first they had some difficulty to find, and vvere once about to go avvay vwithout it, but one of them knocking aBoard in the Closet that vvas to dravv up heard it chink, and so by force vvrenching it up, they took the money before-mentioned, and other things not named : Having gotten their Prey, they told Mrs. Gatford She must go down into the Celler; to vwhich she replyed She could not see the way, then he that came up first lead her, and vwhen she vvas on the Top of the Stairs bid her take her first Step, vwhich she did, and immedately slipp'd dovvn to the Bottom, and did the like on the Top of the Celler Stairs ; being belovv they bound her to a Partition, and brought dovvn Agnes VVearing, vvhom they bound likevvise and set her by her, but so loose that she might easily have unbound her self ; near her likevvise they laid a piece of Red Damask, vwherevvith VVearing pretended they had blinded her, and so charging them not to stir for half an hour, nor make any noise , under the pain of being shot or run through; / for as they said, they vwould stay half an hour to observe them ) and having plunder'd the House they departed vwith their Booty : When as Mrs. Gatford hearing all still, and imagining as much, bid her maid ( vwho by this time had gotten her self pretty vwell at liberty ) to cry out which she feigned to do, but vwith so lovv a Voice, as she vvas sure she could be heard by none, and therein excused her self through the fear she conceived of having her Throat Cut if they should happen to return; hovvever, she got so much her liberty, that she unty'd her mistress, and then pretndned that her hands vvere tyed over her Head, vwhich vwhen her Mistress vvent to help her, she found the same vvas so loose that she could easily have untyed her self.

The Robery being thus Committed that Discovery might the better be made : It vvas for some days kept a little private, for vho vvere

the Robers was not as yet known to Mr. *Gatford* nor his Wife; and because one Mr. *Hamlin's* Evidence on this occasion was rare and unusual corroborating and confirming that which was more positive.

Mr. *Hamlin* being called and sworn for the King, deposed that sometime before the Robery, going with a French Merchant to a *Musick-House* near *Moor-Fields* to look for a *Laundress* who had pawn'd one of his Cravats, that he might perswade her to tell him where it was, and thereby have the opportunity of Redeeming it: Having found the Party whilst his Friend was discoursing her, he retired and went down into the *Musick-Room*, and sat him down by *Agnes Wearing* (whom he then knew not) accompanied only with an Old Woman, which made him press himself into her Company and pass some Complements on her; she being well habited, and making such a suitable Return, he earnestly desired to know what she was, she thereupon told him *He was mistaken in the Person he addressed himself to, for that she was but a Cook-Maid*; and when he found she made some difficulty in believing it, because she was better habited than might well consist with such an Employment, she told him, *That he might go along with her and be satisfied*, to this he consented, and went with her and the Old Woman as far as *Hounds-ditch*, where the latter turned off: From thence *Agnes Wearing* went with him through *Bishops-Gate*, and so to her Masters House in *Lyme-street*, and shewing him the Kitchen and all its Furniture, demanded, *If he was confirmed in what she said, and some other words having passed, she desired him not to stay at that time, least Notice should be taken of it, but if he would take any other opportunity to send for her, either to Ale-house or Tavern, she would come to him*, and so they parted:

About two days after the Robery was Committed, Mr. *Hamlin* being one Evening upon the *Exchange* with a *Scotchman* a Friend of his, his Friend asked him, *If he knew not where to spend an hour or two that dull Evening*, to which he replied, *He had a new Mistress whose Conversation was very taking, and who had invited him to pay her a visit*, and so proceeded to tell him the whole Story, whereupon they agreed to go thither; and it being somewhat dark Mr. *Hamlin* left his Friend at a distance, and knocked at her Masters Gate, holding (to be the less known if any body else should open it) the ends of his *Periwig* in his mouth; (the Posture the party came in that first seized Mrs. *Gatford*:) Scarce had he knocked twice when *Agnes Wearing* opening it, and not being capable of discerning who he was; but supposing him to be the Person he was not, fell to pushing him back, and as one in an extraordinary surprize, cryed out, though somewhat low, *O! Mr. Davis what do you do here, will you ruin your self and me? there is a great ado about the Robery, and I would not have you appear here this Month: Is the Plate secure? Have you shared the Money? Is Mr. Holland safe?* and having said these Words, (to which Mr. *Hamlin* conceiving some Robery had been Committed made her a suitable reply;) She thrust him to be gone and shut the Gate. This Mr. *Hamlin* told to his Friend and divers others, and heard soon after of the Robery that had been Committed, and advised with several, whether he should acquaint Mr. *Gatford* with what he had heard; but some alledging he might bring himself into trouble if he had no better ground for it, or no more to testifie than what he had heard

heard, whereupon he forbore it a Month or thereabouts ; after that he met *Agnes Wearing* in *Moor-Field's* with *Holland's* Foot-boy after her, and began to renew his former Acquaintance with her, but at first she seemed strange and would not know him, till he remembred her of several passages that had been between them, and then she told him, *She was fearful of lying alone, and that she was going into Spittle-Fields, to get her Sister to lye with her* ; for it seems she then was come from her place. This would not satisfie him, but he would needs drink with her ; so after having taken a View of *Bethlehem*, and dismissed the Boy, they went to a House near *Moor-Gate* ; and there he told her how she had mistaken him such a Night, and what he had heard her speak and observed, whereupon she began to excuse it and to change Colour, and in the end Confessed, *She was mistaken, but that there was nothing in it*, or to that effect, and so they parted. Mr. *Hamlin* not long after acquainted Mr. *Gatford* what he heard from *Agnes Wearing*, and *Holland* having had Notice of this from the said *Agnes*, went to take up the said *Hamlin*, for charging him falsely with the said Robery : Then *Margaret Harris* being Sworn, said that she went to live with one *Madam Walton*, who lodged then at one *Mr. Canes* in *New-street* as her hired Servant about the middle of *August* last, and that on or about the beginning of *September*, *Davis*, *Holland*, and one *Bishop*, were together at the *Dog-Tavern* in, or near, *Newgate-street* with her Lady (for so she called her) & another Woman, which she since believes was *Mr. Gatfords* Maid, making very merry there ; and that about the middle of the same month of *September*, she was sent out by her Lady to find out one *Mr. Price*, but not finding him she returned to her Lady, & found *William Davis*, whom she often had seen there before, near her Closet Door, and one *Humpton* sitting in the Room behind the Door, and she then going near to her Lady, to give her an Account of her Errand, looking over her shoulder, saw *Davis* take out of his Pocket a great handful of Rings ; a great part of which were mourning Rings, and from amongst them gave her Lady a Diamond Ring, soon after which, *Davis* and *Humpton* went away together ; and then her Lady said to her, *Margaret, see here what a fine Ring Mr. Davis hath given me*, which she then looked upon, and observed the same to be a Diamond-Ring with seven Stones, in the middle one having a flaw therein fill'd up with Silver ; and thereupon told her Lady that she wondered she would take it of him, for that he was a Clipper, a Shop-lifter, and a very ill man, and therefore to be suspected that he had stolen it ; to which her Lady replied, that she did not care if he Robbed all the Shops in Town, so that he maintained her handsomely ; upon which she replied, she doubted she would bring her self into trouble by it, and was sorry for it ; upon that, her Lady was very angry with her, and gave her a Box on the Ear, and bid her meddle with her own busines. About three or four days afterwards, her Lady sent her to her Daughters, one *Mrs. Stanly*, at one *Foots a Barber* in *Blow-Bladder-street*, over against the *Dog-Tavern* before mentioned, to borrow some money of her ; where when she came, she found her a Bed, & gave her then an account of her busines, who told her she had no money ; whereupon she asked her if she had the *Gazette*, upon vwhich, *Mrs. Stanly* told her she had, and there vvas a great Robery Committed, mentioned therein, and shovved it to her, vwho read it, and found a Diamond-Ring vwith seven Stones, and other Descriptions

according to what she had observed in the Ring she saw *Davis* give to her Lady therein mentioned to be stolen, with several other Rings, whereupon she said, that Ring which *Davis* had given to her Lady, was the Ring therein mentioned; and that she believed that *Davis* and *Holland* (for that she found them often together concerned in many Crimes) had Committed the Robbery; and asked *Mrs. Stanelys* Advice, whether she had not best write a Letter, and put it into the *Penny-Post*; to give *Mr. Gatsford* an account of it; *Mrs. Stanely* replyed, she believed it to be true; but if she should do it without her Mothers consent, she would go nigh to kill them both; whereupon she went back to her Lady, and carried the *Gazette* with her, and told her what discourse had passed between her and her Daughter concerning the Ring, and gave her the *Gazette*, and shewed her the place where the Robbery was mentioned, and told her of her Daughters, and her intentions, but she was very angry thereat, and called them a couple of Bloody Bitches, and asked whether they had a mind to dip their hands in innocent Blood, and beat this Deponent, and Tore all the Cloaths off her Head, and gave her a blow on the Face, and made her Nose bleed; but it so happened, that a Night or two afterwards she apprehended her Lady was in a better humour, and therefore desired again that she would permit the Ring to be produced to the Minister that was Robbed, believing it to be his Ring, and offered that she should have the Ten Pounds; but her Lady refused so to do, and then collogued with her, and was very kind to her, and offered her Ten Pounds not to be concerned any more about it, and promised to keep her like a Gentlewoman whilst she lived with her; and if she married, she vwould give her Five hundred Pound, and if she continued vvith her till she dyed, she vwould give her Fifty Pound a Year, for One & Twentie Years; to all vwhich, she ansvered very little; but about a Fortnight aftervvards on a Sunday, *Davis* came and demanded the Diamond Ring of her Lady, which this deponent advised her privately, not to let him have; however he sate down by her Lady on the Bed-side, with his hand upon his Knee, and whilst he was discoursing she observed a large plain Gold Ring upon his Finger, which she with his leave took off to look upon, much commanding it, and desiring that he would give it her, and looking upon it and the Posie, which was, *God above increase our love*; she read the same aloud, in the presence and hearing both of her Lady and the said *Davis*, upon which she told *Davis* it was a good Posie, and since he had promised to get her a Husband, he would do well to give her that Ring against she got him, but he would not, whereupon she gave it him again, but did not observe that her Lady did let him have the Diamond Ring again; but after he was gone, she said to her Lady, *what think you now Madam, is it not true that Davis and Holland robbed the Parson, for this is the Ring, and the Posie I read to you in the other Ring is the same posie, both mentioned in the Gazette*; whereupon her Lady (as formerly) was very angry with her; but about two or three Nights afterwards, *Davis* and one *Harrison* came into her Ladys Chamber, and siting down, *Davis* pulled forth a handful of Guineas and other pieces, upon sight of which, her Lady said, *Mr. Davis when will you send me in some*— *Davis* replyed, and swore a great Oath, that next Week he would send her in a Butchers Tray full; whereupon she said to *Mr. Harrison*, we shall have Guineas enough to Thatch a House: And after they vvere gone

gone, she desired leave of her Lady, that she might go and discover this vvhole matter, othervwise mischief might come of it; but her Lady vwould not let her go ; and one day in the morning early, she desired the maid of the House to call her as if some person would speak vwith her, intending by that means to have got out to make the Discovery, vwhich the maid did ; and vwhen she vvas going, her Lady lept out of her Bed and stopt her, and beat her very much and locked her up, pretending she had got the Ring, and then soon after favvned upon her, letting her knowv that she had accused her unjustly, and repeated her former promises to her, to engage her to the contrary : Hovver, tvo days aftervards being in October, on a Wednesday in the Sessions Week ; she again desired to go forth, to deliver a Letter for her Father, but her Lady suspecting she would go tell Mr. Gatford, charged her not to do so upon her Salvation, and withal swore her upon a *Mass-Book*, that she should not tell Mr. Gatford, by which compliance she got leave to go forth, and then went immedately to her Sisters, at Madam. Armatages in Crain-Court in Fleet-street, and informed them both, of all those : passages ; and advised with them, whether she might discover it notwithstanding her Oath, who did advise her to go forthwith to Mr. Gatford and discover the whole matter, which she accordingly did the same day, and afterwards went back to her Lady, and stay'd with her tho' in great danger, and under much dread ; being often told by her Lady, that they would do her a mischief ; till the day before her Lady was taken and sent to the Compter, out of which she was soon after Bailed ; and further saith, that she saw her Lady have the said Ring in her Bosome the day before she was taken, and often heard her say that she would through it down the House of Office, before it should be discovered : When she had done, then Mr. Recorder asked her, where was that Madam Walton, she had so often mentioned in her Evidence ? To which, she answered that she was there, (pointing up to the Gallery) amongst several other Ladys and Women : Whereupon Mr. Recorder order'd an Officer to go up immedately and wait upon her down, and thereupon she was brought into Court, (very richly habited.) and pretended she was an Irish Earls Daughter, and a Woman of Quality ; however she was committed to Prison upon the Evidence that had been given, and an Indictment order'd to be preferr'd against her, and persons bound to Prosecute the same, which afterwards was accordingly done, and the Indictment found, and there was a Letter likewise given in Evidence against Holland, which Holland own'd to be his hand, and was wrote to Agnes Wearing, & did mention things relating to this business ; and then Holland's Foot-boy was called and Sworn, who testified that he had been often sent on messuages by his Master to Agnes Wearing, and by that means was instrumental in having her taken by discovering the Lodging that his Master had often provided for her, tho' she had shifted them divers times, and being in Custody upon hearing that Davis and Holland were taken, she cry'd out we are all concerned, and hoped they shoule live and dye together, for she was resolved she would live and dye with them.

This being the Substance of the Evidence given against the Prisoners at the Bar : They were then asked by the Recorder every one of them singly, what they had to offer in defence of themselves against this great Crime. Thus as it were miraculously made out against them, Davis endeavoured

endeavoured to make it appear, that he had bought the Diamond Ring and as for the Weddiug-Ring, there were few Goldsmiths Shops, that afforded not Rings with the like *Prie*, and did produce a person in Court, of whom he had bought a Diamond-Ring, but it was about Nine Months since, and the same did appear to be another manner of a Ring, and disposed of before the Robery was committed, and the Ring he had given to his mistress consequently could not be the same, then he called Persons to discredit *Margaret Harris*, by alledging her unjustice, and amongst others, a mistress with whom she had formerly lived, who instead of accusing her of Dishonesty, gave her a good Character. *Holland* alledged malice in Mr. *Hamlin*, and that Mr. *Gatford* had brib'd his Foot-boy, but the former not appearing, and the Boy upon Oath declaring the contrary, that Mr. *Gatford* had indeed promised him two Guineas to discover the Lodging of *Agnes Wearing*, the which when he had done, he would not give it him till the Tryals were over, lest the Prisoner should construe that as a Bribe, to induce him to Swear against them; and having nothing more material to offer further in their Defence, *Agnes Wearing* insisting upon her innocence.

Mr. Recorder Sum'd up the Evidence to the Jury, very particularly, and at large, and more especially after he had repeated *Hamlin's* Evidence given against *Holland* (which he observed was their most difficult parts, for that generally what one Prisoner saith of another is not Evidence) yet as this Case is, they might consider the occasion that moved *Agnes Wearing* to speak what she did, it being without any Compulsion, or any thing laid to her charge at that time she could not speak it out of any Ends, or dread, but merely upon a mistake and surprise, apprehending it was *Davis*, because of his appearing to her in the same posture as *Davis* was in, when he seized upon Mrs. *Gatford*, and then it was very plain by the whole course of the Evidence, that *Holland*, *Davis*, and *Wearing* were all well acquainted, and great familiarity, and this familiarity began much about the time, when this Fact was Committed, and they both very fond of her, but *Holland* more especially, he using all Diligence to take care of her, and conceal her, by providing several Lodgings for her in by places, and what was testified against *Davis* and *Agnes*, and what she confessed to *Hollithorn*, seemed to make it all very plain if they did give credit to the Witnesses; so that upon the whole matter, he left it to them, whether they would find all or any, and which of the Prisoners Guilty or not Guilty of this Crime, whereof they stood charged within the Indictment.

Whereupon, the Jury after they were withdrawn some time, came in, and found them all three Guilty of the Indictment; and *William Davis* and *Agnes Wearing*, were Executed on Wednesday following, and *Holland* Reprieved.

*This may be Printed, R. L. S.  
January the 9th. 1685.*

*FINIS.*



